

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ILLINOIS NATIONAL INSURANCE COMPANY, THE Case No.: 11-CV-00431 (KBF)
INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,

Plaintiffs,

- against -

TUTOR PERINI CORPORATION,

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TUTOR PERINI CORPORATION,

Third-Party Plaintiff,

- against -

CERTAIN UNDERWRITERS AT LLOYD'S LONDON

Third-Party Defendant.
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**ASSENTED TO - CERTAIN UNDERWRITERS AT LLOYD'S, LONDON'S MOTION
FOR LEAVE TO FILE SECOND SUPPLEMENTAL STATEMENT OF
UNDISPUTED FACTS IN SUPPORT OF SUMMARY JUDGMENT**

The Third-Party Defendant, Certain Underwriters at Lloyd's, London who subscribe to Policy No. 576/UF7274400 ("Underwriters"), hereby move to supplement their statement of undisputed facts in support of their Motion for Summary Judgment. As grounds for this Motion, Underwriters state:

1. Underwriters filed their Statement of Undisputed Facts on July 27, 2012, pursuant to the Court ordered deadline.
2. Underwriters filed Supplemental Statement of Undisputed Facts on August 15, 2012.

3. On this same date, an additional witness, Jason Benfield, was deposed.
4. Consequently, testimony elicited from Mr. Benfield could not be included in Underwriters' original statement of undisputed facts nor Underwriters' supplemental statement of undisputed facts.
5. Accordingly, Underwriters request leave to file the attached Second Supplemental Statement of Undisputed Facts which is composed of deposition testimony and exhibits from the deposition of Mr. Benfield.
6. The Third-Party Plaintiff, Tutor Perini Corp. assents to Underwriters request that they be granted leave to submit the attached supplemental statement of undisputed facts.

WHEREFORE, Underwriters request that the Court allow them to file the attached Second Supplemental Statement of Undisputed Facts and additional documents be made a part of the summary judgment record.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

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Dated: August 27, 2012